

REMARKS

In the last office action, the claims are rejected on the basis of the Murray patent (U.S. 5,846,168). The claims have been amended to distinguish more clearly over the prior art. Before discussing how the claims distinguish over the Murray patent, let us first review briefly some background information about the embodiments of the present invention.

The Applicant created his fishing rod holding apparatus to alleviate a rather frustrating situation that he encountered when doing some deep sea fishing. When a fisherman gets a fish on the line, particularly a rather large fish, the fisherman can have a long and strenuous encounter relative to the forces applied to the person's hand that is holding the rod in the position as shown in Fig. 1, while the other hand is reeling the fish in or letting some of the line on the reel extend outwardly ("payout"). Also it can cause a twisting of the handle in the person's hand. The particular motion which can be especially fatiguing is where the fish is traveling on these back and forth paths and thus tending bend the persons wrist back and forth. The present invention is what might be called a "power assist" device to provide resistance to this location about this back and forth axis of rotation.

Reference is now made to Fig. 4. It can be seen that the hand engaging section has the outside gripping surface 98 which will engage the lower portion of the persons fingers, and there is also the recess 118 which has a forward and rear surfaces.

Then we turn to Fig. 6 which is similar to Fig. 4, but shows the presence of the handle of the fishing rod and also in broken lines the persons hand. It will be noted that the fingers are grasping the forward part of the hand engaging portion, while the thumb is positioned against the rod so as to retain the rod in the recess 118. To remove the rod the person

would simply move his thumb to a release position and let the rod slip out from the recess. The recess opening faces laterally so the containing wall would not itself resist the pull away movement.

It is fundamental with fishing gear that the fisherman does not want to get tangled up in his own equipment. If he does, then there may be some load placed on that equipment, such as something as being moving overboard and catching on to certain lines or equipment which are in turn attached to the person. Then the person may get dragged overboard and having difficulty untangling him/her self so that they could be taken back on board the boat.

Also, when a person is going deep sea fishing, he wants the “feel” and the “full experience” of deep sea fishing. Also if he does have some extra equipment then he wants it to be “user friendly”. With the arrangement of these embodiments, these goals are achieved. Yet by alleviating the problem of fatigue developing by long periods of stress due to the back and forth motion of the fish, the whole experience can become more enjoyable.

To turn out attention briefly to the claims as amended, claim 1 has been substantially amended as rewritten new claim 21. There are two significant changes in this claim. First, the gripping apparatus has been claimed in conjunction with the fishing rod itself. These two components (i.e., the gripping apparatus and the fishing pole) cooperate with one another to achieve the alleviation of the undue fatigue the fisherman can experience, while still giving the full flavor of the fishing, and also making it “user friendly” and safe. Also It will be noted particularly that in claim 21, the arrangement of the hand engaging section and how the disposition of the recesses function are particularly significant. The alignment of the

recess in which the pole is mounted, the positioning of the fingers and the thumb as dictated by the configuration of the hand engagement section and other components cooperate to produce these features.

Let us turn our attention now to the Murray patent.

Basically, the Murray patent is a device that enables a person who has no hand grip to have an apparatus attached to the persons forearm portions and hand so that the person can securely engage an exercise bar or other similar object. Further, the Murray apparatus is arranged so that the person is able to use simply other parts of his body, such as his teeth, to enable the hand to be inserted within this apparatus. It is rather a clever device to arrange to accomplish these purposes. However, it is totally unsuitable for accomplishing the goals of the present invention, and would not be used in conjunction with a fishing rod for deep sea fishing.

The Murray patent comprises an elongated, rigid, first plate, and a second elongated U-shaped rigid plate. The rigid U-shaped plate is arranged in its position so that the person's hand can be moved upwardly within a flexible member so that the person's fingers are positioned around the rigid U-shaped plate. Then the first rigid plate is fixedly connected to the person's forearm.

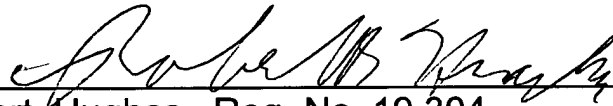
The rigid U-shaped plate defines the U-shaped recess which opens at the rear end. The apparatus of Murray is shown in Figs. 4 and 5 in its operating position, and there is an exercise bar 18 which is engaged by the U-shaped member that is in turn held in place by its connection to the forearm mounted section. Thus, when the person is using the exercise bar, either for doing "chin ups" possibly with a knee platform assist, or possibly lifting a weight off the ground, the bar 118 is securely engaged by the U-shaped member so that it won't slip out.

In order to release the apparatus from the bar, the U-shaped member 118 would be moved relative to the bar so that bar 118 so that the bar moves rearwardly and then is released from the U-shaped member 118. This is a significant difference. This arrangement is totally unsatisfactory for to accomplish the needs in the present invention. For instance, with regard to safety, if there is a sudden pull on the fishing rod which would overcome the fisherman, the only path for escape for the rod is rearwardly toward the person, and in an emergency situation this may not be possible. Further, the person's holding hand is immobilized, and loses the "feel" of deep sea fishing, as well as being less user friendly.

Accordingly, it respectfully submitted that the application should now be found in condition for allowance. If there is any matter which could be expedited by consultation with the Applicant's attorney, such would be welcome. The Applicant's undersigned attorney can normally be reached at the telephone number set forth below.

Signed at Bellingham, County of Whatcom, State of Washington this March 20, 2006.

Respectfully submitted,
JIM HARKEY,

By 
Robert Hughes, Reg. No. 19,304
Hughes Law Firm, PLLC
Pacific Meridian Plaza
4164 Meridian Street, Suite 302
Bellingham, WA 98226
(360) 647-1296
Fax (360) 671-2489